

ASSEMBLY BILL

No. 2426

Introduced by Assembly Member Wesson

February 24, 2000

An act to add Section 308.1 to the Penal Code, relating to tobacco.

LEGISLATIVE COUNSEL'S DIGEST

AB 2426, as introduced, Wesson. Tobacco products: bidis.

Under existing law, it is a misdemeanor for any person, firm, or corporation to knowingly sell, give, or in any way furnish to another person who is under the age of 18 years any tobacco or products prepared from tobacco. A violation of this prohibition is a misdemeanor and is subject to civil action.

This bill would make it a misdemeanor for a person to sell, offer for sale, distribute, or import any tobacco product commonly referred to as “bidis” or “beedies” to any person. The bill would subject a person who violates this section to civil action.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) Bidis (also spelled “beedies”) are small, flavored,
4 filterless Indian cigarettes that have been gaining rapid
5 popularity among America’s teenagers.

6 (b) Bidis are not a safe alternative to cigarettes or
7 other tobacco products. Available scientific research
8 indicates that bidi smokers run the risk of developing oral
9 cancers, lung cancers, and other health problems.

10 (c) Unlike most cigarettes, bidis are unfiltered and
11 may have more deleterious health effects than cigarettes.
12 Research suggests that an unfiltered bidi releases three to
13 five times more tar and nicotine than a regular cigarette,
14 despite containing less tobacco. Bidi smoke also contains
15 more deadly chemicals such as ammonia and carbon
16 monoxide than regular cigarette smoke.

17 (d) Bidis are easier for underage smokers to buy. A
18 recent study conducted in San Francisco found that bidis
19 were sold to minors without age identification twice as
20 often as regular cigarettes.

21 (e) The same San Francisco research project found
22 that 41 percent of the bidis purchased had no tax stamp,
23 and almost seven out of 10 packs had no health warning
24 label. This strongly suggests that bidis have not been
25 rigorously subjected to the relevant health and customs
26 regulations

27 (f) More than 325,000 children are thought to labor in
28 the bidi industry in India, in violation of child labor laws.
29 Bidi rolling is classified as hazardous because the working
30 position produces chronic back pain, interferes with
31 normal growth patterns, and causes physical
32 deformation. Bidi rollers also suffer lung disease from
33 constantly inhaling tobacco dust and have high rates of
34 tuberculosis, asthma, and other lung disorders.

35 SEC. 2. Section 308.1 is added to the Penal Code, to
36 read:

37 308.1. (a) Notwithstanding any other provision of
38 law, no person shall sell, offer for sale, distribute, or

1 import any tobacco product commonly referred to as
2 “bidis” or “beedies.”

3 (b) For purposes of this section, “bidis” or “beedies”
4 means a product containing tobacco that is wrapped in
5 temburni leaf (*diospyros melanoxylon*) or tendu leaf
6 (*diospyros exculpra*), or any other product that is offered
7 to, or purchased by, consumers as bidis or beedies.

8 (c) A violation of this section is a misdemeanor.

9 (d) Any person who violates this section is subject to
10 a civil action brought by a city attorney, a county counsel,
11 or a district attorney. Nothing in this subdivision is
12 intended to affect any other civil remedies available for
13 a violation of this section.

14 SEC. 3. No reimbursement is required by this act
15 pursuant to Section 6 of Article XIII B of the California
16 Constitution because the only costs that may be incurred
17 by a local agency or school district will be incurred
18 because this act creates a new crime or infraction,
19 eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section
21 17556 of the Government Code, or changes the definition
22 of a crime within the meaning of Section 6 of Article
23 XIII B of the California Constitution.

